

## ALBANIA

### LEGAL BASIS

**1. Has your State signed and/or ratified the *United Nations Convention on special missions* (1969)? If not, does your State intend to sign/ratify the Convention?**

Albania has not signed/ratified yet the UN Convention on Special Missions (1969). The issue of signing the Convention is still under consideration by the Albanian government.

**2. Does your State apply other international legal instruments in this area (ex.: bilateral, multilateral agreements or headquarters agreements)?**

Albania applies the generally accepted customary international norms in this area. Even though Albania has not become a state party to the United Nations Convention on Special Missions (1969), certain provisions on immunities and privileges are taken into consideration regarding the treatment of high level missions while in Albania.

In addition, there are a few bilateral agreements concluded between Albania and some countries on technical cooperation containing some provisions granting immunities and privileges to the headquarters and staff of the missions operating in Albania on temporary basis.

**3. Has your State adopted a specific national legislation in the field of immunities of special missions?**

Albania has not adopted so far any special national legislation on this respect.

**a. If so, please provide information concerning the relevant legislative provisions (in particular title, source and content; if possible, please provide official translations in French or in English and/or references to online sources);**

**b. If not, is the issue of immunities of special missions covered by another part of your legislation? If so, please provide information concerning these relevant legislative provisions (in particular title, source and content; if possible, please provide official translations in French or in English and/or references to online sources).**

The issue of immunities of special missions is not covered by other part of Albanian legislation.

**4. Have the authorities of your State released official statements, reports or any other document concerning the status and the immunities of special missions? If so, please provide any relevant information relating to these documents.**

n/a

**5. Does your State consider that certain obligations and/or definitions regarding immunity of special missions derive from customary international law? If so, please provide a brief description of the main requirements of customary international law in this respect.**

Albania considers that issues related to immunity of special missions derive from customary law. The customary rules that are applied to a high-level mission are related with immunity from civil and criminal jurisdiction in respect of their official acts.

**6. Please provide information on the scope of the immunities of special missions, in particular:**

**a. The extent of the privileges and immunities granted to special missions and to their members;**

A special mission and its staff to Albania enjoy the following privileges and immunities:

- The right to use the flag and emblem of the sending state;
- The necessary facilities required for the performance of its functions;
- Exemption of the premises of the high level mission from taxation. Concerning other special missions the exemption is subject to a bilateral agreement ratified by the Albanian Parliament;
- Inviolability of the premises;
- Inviolability of archives and documents;
- Freedom of movement;
- Freedom of communication;
- Personal inviolability;
- Inviolability of the private accommodation;
- Immunity from jurisdiction for their official acts;
- Exemption from social security legislation;
- Exemption from customs duties and inspection of high level missions. Concerning other special missions the exemption is subject to a bilateral agreement ratified by the Albanian Parliament.

**b. The scope *ratione personae* (categories of individuals who may enjoy an immunity of special mission);**

Categories of individuals belonging to a special mission who enjoy immunity are the following:

- Head of State and Government, Speaker of Parliament, Minister of Foreign Affairs and their family members accompanying them;
- Diplomats and high officials holding a diplomatic passport.

**c. The scope *ratione materiae*, in particular by specifying if there are exceptions to the granting of the immunity;**

The scope *ratione materiae* of immunities comprises immunity from civil and criminal jurisdiction in respect of official acts. Immunity is not granted to state officials who have committed international crimes while in office.

**d. The temporal limits of the immunities accorded to special missions.**

A special mission enjoys immunities and privileges from the time of entry until its departure livefrom the territory of Albania.

## **NATIONAL PRACTICE AND PROCEDURE**

**7. Is there national case law in the field of immunities of special missions? If so, please provide information on these decisions (date of the judgment, authority that issued the judgment, name of the parties, main points of law, French or English translation of the judgment or summary of the judgment in English or in French).**

There is no national case law in this field so far.

**8. Is there a mechanism of formal agreement of special missions, namely a process under which your State can accept in advance that an official visit constitutes or not a special mission?**

There is no formal agreement regarding an official visit under which it is considered as a special mission.

**a. If yes, which authority delivers these agreements? What weight do the courts attach to such agreements? Is there a formal notification or communication procedure between the governmental authorities and the courts?**

**b. In the absence of such a formal agreement, can an implied consent derive from the behaviour of the governmental authorities?**

The behavior of Albanian authorities towards an official delegation visiting Albania implies that it constitutes a special mission.